

RESPONSE AND REQUEST FOR RECONSIDERATION

In response to the Office Action of June 4, 2009, Applicants hereby request the Examiner to reconsider the claims in view of the present amendments and remarks.

Applicants have amended independent claims 1 and 18 to specify:

wherein the metal of the metal hydroxide is present in the range about 2 to about 16 weight percent of the dispersion (underlined text is newly introduced into the claim language with this response.

This amendment to claims 1 and 18 is supported by the application as filed. It is evident from the application as filed that the range of about 2 to about 16 weight percent is meant to reflect the content of the dispersion. For instance, a person of ordinary skill in the art would realize that in Example 1 (see page 21, line 24 to page 22, line 11) reference is made to the final product with 8.2 weight percent anhydrous lithium hydroxide. Likewise, Example 2 (page 22, line 12 to line 32) specifies 12.78 weight percent anhydrous lithium hydroxide.

Claims 1 and 18 has also been amended to specify "wherein the surfactant comprises a derivative of polyisobutylene substituted with succinic anhydride". This amendment is supported by claim 21 as previously filed. Additional support is provided in the application as filed (see page 8, line 17 to page 9, line 28; and Examples 1 and 2).

In view of the remarks above, the amendment to claims 1 and 18 is fully supported by the application as filed. Accordingly, the amendments to independent claim 1 are fully supported by the specification and do not add subject-matter.

Claim 11 has been amended to specify "A process" rather than "A method". This is evident from dependent claims 12 to 17 because all refer to "The process of claim 11".

Claim 6 has been amended to depend on claim 1.

In view of the above amendment, claim 21 has been deleted without prejudice.

REMARKS

The Examiner has raised a 35 U.S.C. §112 second paragraph rejection to claims 1 and 18 because not is not explicitly clear whether the range of about 2 to about 16 weight percent relates to the dispersion or to the grease compositions as a whole. The Examiner has taken this technical feature to mean concentration of the metal within the dispersion. The claims were than examined that way. As noted above in the amendment, discussing this feature now specifies "about 2 to about 16 weight percent of the dispersion". This amendment therefore obviates the 35 U.S.C. §112, second paragraph rejection because the claim is definite. The Examiner is therefore respectfully requested to withdraw the U.S.C. §112, second paragraph rejection.

The Examiner has not raised a 35 U.S.C. §102(b) rejection to any of pending claims 1 and 4-21. Accordingly, it is submitted that all pending claims are considered novel.

The Examiner has rejected claims 1, 4-8, 10 and 18 in view of Cross (US 3,647,690). The Examiner has, however, not rejected to claims 11 to 17 and 19 to 21. Accordingly, since no rejection under 35 U.S.C. §103(a) has been made against claims 11 to 17 and 19 to 21, these claims may all be considered allowable over Cross. Since claim 1 has been amended to specify the subject matter of allowable claim 21, claim 1 is now believed to be in condition for allowance because it meets the requirements of 35 U.S.C. §103(a), i.e., the present invention is unobvious.

In view of the remarks above, the Examiner is respectfully requested to withdraw the 35 U.S.C. §103(a) rejection and find all claims allowable over Cross.

Applicants note the Examiner has maintained the provisional obviousness-type double patenting rejection over claims 1-44 of the later-filed application 11/557,612. Assuming the rejections discussed above are remedied, the only remaining objection is a provisional obviousness-type double patenting rejection over a later-filed

application which has not yet been allowed. It is therefore believed that no terminal disclaimer is required in the present Application, and the rejection should be withdrawn. MPEP 804(I)(B)(1).

In view of the reasoned statements above, it is believed that the application is in condition for allowance.

Any additional required fees, or any insufficiency or overpayment of fees, should be charged or credited to Deposit Account No. 12-2275 (The Lubrizol Corporation).

Respectfully submitted,

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